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7 UNITED STATES DISTRICT COURT  
8 FOR THE WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 MARIJA PAUNOVIC and DUSAN  
11 PAUNOVIC, individually and on behalf of all  
12 others similarly situated,

13 Plaintiffs,

14 vs.

15 OBI SEAFOODS LLC, an Alaska corporation,  
16 and OCEAN BEAUTY SEAFOODS LLC, an  
17 Alaska corporation,

18 Defendants.

Case No.

**NOTICE OF REMOVAL**

19 Defendants OBI Seafoods, LLC and Ocean Beauty Seafoods LLC (“Defendants”), file  
20 this Notice of Removal pursuant to 28 U.S.C. §§ 1331, 1441(a), and 1446(b). This Notice of  
21 Removal is being filed without prejudice to Defendants’ rights to seek a dismissal or transfer of  
22 this action. In support of this Notice of Removal, Defendants state the following:

**Preliminary Statement of Claims**

23 1. OBI Seafoods, LLC (“OBI Seafoods”) is an Alaska limited liability company with  
24 administrative offices located in Seattle, Washington. OBI Seafoods is a named defendant in a  
25 civil action filed by former employees Marija Paunovic and Dusan Paunovic (“Plaintiffs”) in the  
26 King County Superior Court for the State of Washington, Case No. 21-2-07112-7 SEA (“State  
Court Civil Action”).

2. Ocean Beauty Seafoods LLC (“Ocean Beauty Seafoods”) is an Alaska limited liability company with administrative offices located in Seattle, Washington. Ocean Beauty Seafoods is also a named defendant in the same State Court Civil Action.

3. The State Court Civil Action was commenced when the Plaintiffs filed their Class and Collective Action Complaint (“Complaint”) in the King County Superior Court on or about May 28, 2021.

4. The Complaint alleges violations of the federal Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201, *et seq.*, and the Alaska Wage and Hour Act. *See, e.g.*, Complaint at ¶¶ 1, 6-7, 11-13, 45, 49-50, 82-108. Plaintiffs have pled individual as well as proposed class and collective action claims under federal and Alaska state law.

5. On or about June 2, 2021, Plaintiffs served Defendant OBI Seafoods with copies of the Complaint, including attached Exhibits 1 and 2 (Plaintiffs’ individual Consent to Join Collective Action forms); a Summons; and the King County Superior Court’s Order Setting Civil Case Schedule, and Case Information Cover Sheet and Area Designation, all of which are attached hereto as **Exhibit A**. Plaintiffs subsequently served the same set of materials (Complaint (including attached Exhibits 1-2); Summons; King County Superior Court Order Setting Civil Case Schedule, and Case Information Cover Sheet and Area Designation) on Defendant Ocean Beauty Seafoods on June 7, 2021.

### **Basis for Removal**

6. Pursuant to 28 U.S.C. § 1331, this Court has original jurisdiction of this action because Plaintiffs’ federal FLSA claims arise “under the Constitution, laws, or treaties of the United States.” The Court has supplemental jurisdiction of Plaintiffs’ state law claims under the Alaska Wage and Hour Act under 28 U.S.C. § 1367.

### **Venue**

7. In accordance with 28 U.S.C. § 1441(a), this action is being removed to this Court because the United States District Court for the District of Washington – Seattle is “the district

1 and division embracing the place where such action is pending.” Attached hereto as **Exhibit B**  
 2 are true and correct copies of all process, pleadings, and orders served upon Defendants in this  
 3 action, as required by 28 U.S.C. § 1446(a).

4 8. Following the removal of the action to this Court, Defendants intend to move to  
 5 transfer the case to the United States District Court for the District of Alaska – Anchorage  
 6 pursuant to 28 U.S.C. §1404(a). Plaintiffs’ employment with Defendants occurred exclusively in  
 7 the State of Alaska, all of Plaintiffs’ claims are based on alleged activities in Alaska, the  
 8 proposed class and collective actions Plaintiffs seek to represent consist of putative  
 9 class/collective action members who worked in Alaska, and potential witnesses with information  
 10 and knowledge relevant to Plaintiffs’ claims and Defendants’ defenses are located in Alaska.

#### 11 **Timeliness of Removal and Filing of Answer**

12 9. OBI Seafoods was the first Defendant served with Plaintiffs’ Complaint in this  
 13 action. Specifically, OBI Seafoods’ registered service agent accepted service of the Summons  
 14 and Complaint on June 2, 2021. Subsequently, on June 7, 2021, Defendant Ocean Beauty  
 15 Seafoods’ registered service agent accepted service of the Summons and Complaint. Defendants  
 16 file this Notice of Removal within thirty (30) days after receipt of the Complaint setting forth the  
 17 claims for relief upon which the action is based, and the time for filing this Notice of Removal  
 18 pursuant to 28 U.S.C. § 1446(b) has not expired.

#### 19 **Proper Notice of Removal**

20 10. Defendants will promptly file with the Clerk of the King County Superior Court  
 21 for the State of Washington a Notice of Removal to Federal Court pursuant to 28 U.S.C.  
 22 § 1446(d). A copy of this Notice is attached hereto as **Exhibit C**.

23 11. By removing this matter, Defendants do not waive or intend to waive any defense  
 24 or the right to move to transfer venue to the United States District Court for the District of  
 25 Alaska – Anchorage.

1           **WHEREFORE**, Defendants hereby remove the above-styled civil action to the United  
2 States District Court for the District of Washington – Seattle.

3 Dated: June 30, 2021

4  
5 *s/Douglas E. Smith*

Douglas E. Smith, WSBA #17319

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10 Attorneys for Defendants OBI Seafoods, LLC  
and Ocean Beauty Seafoods LLC  
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**CERTIFICATE OF SERVICE**

I am a resident of the State of Washington, over the age of eighteen years, and not a party to the within action. My business address is One Union Square, 600 University Street, Ste. 3200, Seattle, WA 98101. I hereby certify that on June 30, 2021, I electronically filed the foregoing **NOTICE OF REMOVAL** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

**Attorneys for Plaintiffs**

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 Ryan Tack-Hooper, WSBA #56423  
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I declare under penalty of perjury under the laws of the State of Washington that the above is true and correct. Executed on June 30, 2021, at Seattle, Washington.

/s/ Liana Natividad

Liana Natividad  
[lnatividad@littler.com](mailto:lnatividad@littler.com)

**LITTLER MENDELSON, P.C.**